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8 [erroneously named CBeyond
COMMUNICATIONS, INC.]
9

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION
12

13 KATRINA NOVAK, an individual;

14 Plaintiff,

15 v.

16 CBeyond COMMUNICATIONS,
17 INC., a Corporation; and DOES 1-
20, inclusive,

18 Defendants.
19

CASE NO. 8:10-cv-00794-AG (MLG)

**JOINT STIPULATION BETWEEN
PLAINTIFF AND DEFENDANT TO
DISMISS ACTION WITH
PREJUDICE**


1 TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL
2 DISTRICT OF CALIFORNIA, SOUTHERN DIVISION:

3 Plaintiff Katrina Novak and defendant Cbeyond Communications, LLC , by
4 and through their respective attorneys of record, hereby stipulate that this action be
5 dismissed with prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil
6 Procedure.

7 IT IS SO STIPULATED.


8
9 Dated: January 31, 2011

McKAVENEY HOY, APC

10
11 By: 
12 Scott D. Hoy
13 Attorneys for Plaintiff
14 KATRINA NOVAK

15 Dated: January 31, 2011

BENT CARYL & KROLL, LLP

16
17 By: 
18 Steven M. Kroll
19 Attorneys for Defendant
20 CBeyond COMMUNICATIONS,
21 LLC [erroneously named
22 CBeyond COMMUNICATIONS,
23 INC.]
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PROOF OF SERVICE

I, Steven M. Kroll, declare:

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 6300 Wilshire Boulevard, Suite 1415, Los Angeles, California 90048. On February 3, 2011, I served a copy of the within document(s):

**JOINT STIPULATION BETWEEN PLAINTIFF AND DEFENDANT
TO DISMISS ACTION WITH PREJUDICE**

X by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.

X by electronically serving and filing them using the Court's Electronic Court Filing ("ECF") System and service was completed by electronic means by transmittal of a Notice of Electronic Filing on the registered participants of the ECF System. I served those parties who are not registered participants of the ECF System as indicated below.

Scott D. Hoy, Esq.
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Attorneys for Plaintiff Katrina
Novak, *Registered participants
of ECF*

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on February 3, 2011, at Los Angeles, California.



Steven M. Kroll